

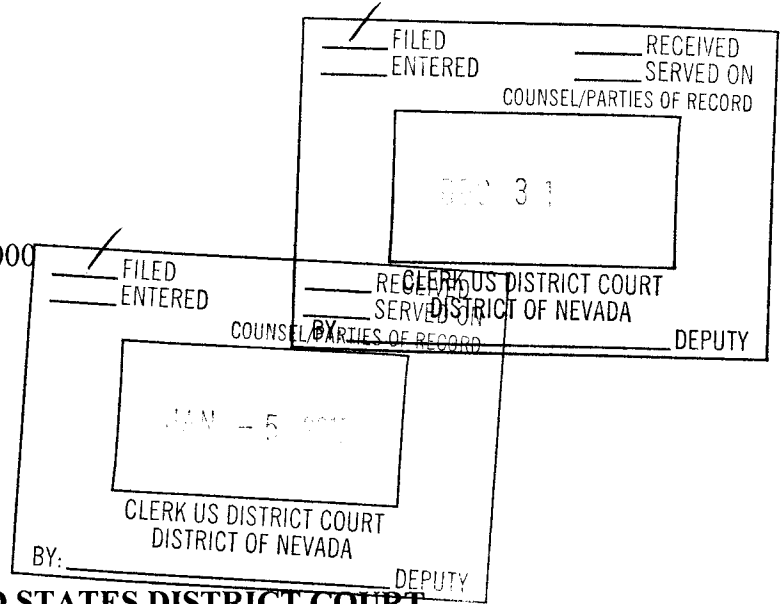
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SEALED

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 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 \$20,054.20 IN UNITED STATES) 2:14-CV-944-JAD-(VCF)
 13 CURRENCY)

14 **THE UNITED STATES OF AMERICA'S UNOPPOSED SEALED EX PARTE APPLICATION**
 15 **TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM OF**
 16 **THE \$20,054.20 IN UNITED STATES CURRENCY AND ORDER**
(Second Request)

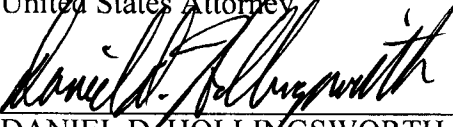
17 The United States of America, by and through Daniel G. Bogden, United States Attorney for the
 18 District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully applies
 19 for an extension of time to and including July 8, 2015, for the United States to file a Civil Complaint For
 20 Forfeiture In Rem of the \$20,054.20 in United States Currency pursuant to 18 U.S.C. § 983(a)(3)(A) and
 21 LR 6. The Civil Complaint For Forfeiture In Rem of the \$20,054.20 in United States Currency is due
 22 January 8, 2015.

23 The grounds for this application are (1) the government is pursuing criminal prosecution against
 24 James Jariv with a trial date of February 9, 2015, and (2) counsel for James Jariv agreed to the extension
 25 of time. The government and James Jariv are engaged in plea negotiations, and he will plead guilty in the
 26 criminal case within the next few months.

1 This Sealed Ex Parte Application is made and is based on this Application and the attached
2 Memorandum of Points and Authorities.

3 DATED this 31st day of December, 2014.

4 DANIEL G. BOGDEN
5 United States Attorney

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7 DANIEL D. HOLLINGSWORTH
8 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

On or about January 14, 2014, \$20,054.20 in United States Currency was seized from Citibank, account number 153003363 in the name of The Evergreen Asset Irrevocable Trust, Myungnam Jung, ATF, located at 2215 North Rampart Boulevard, Las Vegas, Nevada 89128 with a judicially approved and issued civil seizure warrant.

The \$20,054.20 in United States Currency was subject to administrative summary forfeiture proceedings; however, James Jariv ("Jariv") filed an administrative claim on or about April 9, 2014.

Nathan Stoliar pled guilty to the Indictment. Jariv will plead guilty to the Indictment within the next few months.

II. ARGUMENT

This Court should grant this application for an extension of time to file a Civil Complaint For Forfeiture In Rem of the \$20,054.20 in United States Currency because counsel for Jariv has agreed. LR 6-1; 18 U.S.C. § 983(a)(3)(A).

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims ... , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties."

18 U.S.C. § 983(a)(3)(A).

The filing of a Civil Complaint For Forfeiture In Rem, pursuant to 18 U.S.C. § 983, starts a civil forfeiture in rem action that is new and is separate from the criminal prosecution. A district court has the authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a Civil Complaint For Forfeiture In Rem based on the agreement of the parties. Doing otherwise could cause interference with the criminal prosecution.

On December 22, 2014, Jariv's counsel, Tim Johnson, agreed to the extension of time and authorized counsel for the United States to file this unopposed motion with this Court. Because the parties have agreed that the United States should be allowed an extension of time to file its In Rem

1 Complaint, the government respectfully asks this Court to grant its motion pursuant to 18 U.S.C. §
2 983(a)(3)(A).

3 This Application is not submitted solely for the purpose of delay or for any other improper
4 purpose.

5 **II. CONCLUSION**

6 This Court should grant an extension of time to July 8, 2015, for the United States to file a Civil
7 Complaint For Forfeiture In Rem of the \$20,054.20 in United States Currency under 18 U.S.C. §
8 983(a)(3)(A) because both parties agreed to the extension.

9 DATED this 31st day of December, 2014.

10 Respectfully submitted,

11 DANIEL G. BOGDEN
12 United States Attorney

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14 DANIEL D. HOLLINGSWORTH
15 Assistant United States Attorney

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18 IT IS SO ORDERED:

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22 UNITED STATES DISTRICT JUDGE

23 DATED: 1/5/15
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